

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 3/2/2022

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
SAMANTHA SIVA KUMARAN, et al.,

Plaintiffs,

-against-

NATIONAL FUTURES ASSOCIATION, LLC, et
al.,

Defendants.
----- X

1:20-cv-3668-GHW

ORDER

GREGORY H. WOODS, District Judge:

For the reasons stated on the record at the conference held on March 1, 2022, attorney Brian August's motion to withdraw as counsel for Nefertiti Risk Capital Management, LLC ("NRCM"), Dkt. No. 158, is GRANTED.


As the Court explained during the conference, corporate entities—such as NRCM—must appear before the Court through counsel. *See Rowland v. California Men's Colony*, 506 U.S. 194, 201–02 (1993). In other words, NRCM must retain an attorney should it wish to prosecute this case. Replacement counsel for NRCM must enter a notice of appearance in this case no later than April 1, 2012. If no attorney enters an appearance on behalf of NRCM by that date, the Court may dismiss its claims for failure to prosecute. *See Glob Auto, Inc. v. Hitrinov*, No. 13-cv-2479, 2015 WL 5793383, at *5 (E.D.N.Y. Sept. 30, 2015) (explaining that "[d]istrict courts in this Circuit have exercised their discretion to dismiss an action for failure to prosecute where a corporate plaintiff fails to obtain counsel after being directed to do so and being warned of the consequences of inaction"); *see also United States ex rel. Reliable Constr. PM, Inc. v. Land Frog, Inc.*, No. 13-CV-7351, 2015 WL 740034 (E.D.N.Y. Feb. 20, 2015); *Negrin v. Kalina*, No. 09 Civ. 6234, 2013 WL 5925916 (S.D.N.Y. Nov. 5, 2013).

The case is STAYED through April 1, 2022 to allow NRCM to retain replacement counsel. In the event that NRCM retains new counsel prior to April 1, 2022, the stay will be lifted upon the filing of a notice of appearance by that counsel.

The Clerk of Court is directed to terminate the motion pending at Dkt. No. 158, to remove Brian August from the list of counsel on the docket, and to indicate on the docket that this case is stayed.

SO ORDERED.

Dated: March 2, 2022
New York, New York


GREGORY H. WOODS
United States District Judge